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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,688	05/03/2001	Christian Prehofer	GR 00 P 1830	7457
24131	7590	06/23/2005	EXAMINER	
LERNER AND GREENBERG, PA			HSU, ALPUS	
P O BOX 2480			ART UNIT	PAPER NUMBER
HOLLYWOOD, FL 33022-2480			2665	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,688

Applicant(s)

PREHOFER, CHRISTIAN

Examiner

Alpus H. Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7, 9-17 are rejected under 35 U.S.C. 102(e) as being anticipated by EBATA et al. in U.S. Patent No. 6,708,209 B1 (of record).

Referring to claim 1, EBATA et al. discloses a method for assuring quality connections between at least two subregions (Organization A-D) of a packet-oriented network, at least one connection path between the subregions has a prescribed scope of transmission system resources, which comprises the steps of: providing each of the subregions with an associated item subregion information being represented by an item of address information or dialing information (col. 4, line 50 to col. 5, line 64), signaling the associated item of subregion information associated with an originating subregion and a destination subregion and also signaling requested resources, if a connection is initialized (col. 11, line 66 to col. 12, line 12, col. 12, lines 47-61), and authorizing the connection to be initialized from the originating subregion to the destination subregion taking into account the requested resources and the transmission system resources available between the subregions (col. 13, lines 1-30).

Referring to claim 2, EBATA et al. discloses a quality of service of the connections in at least one of the subregion is assured for at least one other of the subregions (col. 4, line 63 to col. 5, line 6).

Referring to claim 3, EBATA et al. discloses a further step of representing the associated item of subregion information by an item of user group information, the item of user group information having the item of address information or the dialing information (col. 4, lines 50-61).

Referring to claim 4, EBATA et al. discloses a further step of subdividing the subregions of the packet-oriented network into further subranges, the further subranges are each allocated some of the transmission system resources of the at least one connection path (col. 4, lines 33-45).

Referring to claim 5, EBATA et al. discloses a further step of representing the further subranges by user groups having different services (col. 5, line 63 to col. 6, line 6).

Referring to claim 7, EBATA et al. discloses a further step of forming the subregions as Internet sections with part of an Internet address determining an Internet section (col. 6, line 63 to col. 7, line 2).

Referring to claims 9 and 10, EBATA et al. discloses a further step of determining the transmission system resources by one of an item of bandwidth information and a number of connections having a prescribed item of bandwidth information, and providing there is a plurality of connection paths between the subregions, prescribing individual transmission resources for each of the connection paths and a summation the individual transmission resources together forming the transmission system resources (col. 12, lines 51-65).

Referring to claim 11, EBATA et al. discloses a further step of allocating each of the associated item of subregion information different transmission priorities (col. 4, lines 17-22).

Referring to claims 12-16, EBATA et al. discloses further steps of representing the

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associated item of subregion information by an item of user group information, the item of user group information having an association between groups of address information items for the packet-oriented network and the subregions or having an association between groups of Layer 2 information items and the subregions or having an association between parts of an item of address information and the subregions or having an item of organizational information the subregions or having an association between parts of a dialing information and the subregions (col. 4, lines 17-22).

Referring to claim 17, EBATA et al. discloses further step of representing the further subranges by user groups having different service classes (col. 4, lines 17-22, 33-45).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over EBATA et al. in U.S. Patent No. 6,708,209 in view of Li et al. in U.S. Patent No. 6,636,508 (both of records).

Referring to claims 6 and 8, EBATA et al. differs from the claims, in that it does not Disclose the further step of forming the packet-oriented network based on ITU-T Standard H.323, and the subregions are formed by local zones, with a gatekeeper being provided at least in one of the subregions for switching the connections and voice links as in claim 6. It also does not disclose the further step of allocating one of groups of telephone numbers and parts of the telephone numbers to the subregions for the voice links through one of the subregions and for

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Voice over Internet links as in claim 8. Both of which are well known in the art and commonly applied in communications field for conforming to the latest technology standard and requirement.

Li et al., for example, from the similar field of endeavor, teaches the forming of packet-oriented network based on ITU-T Standard 11.323, and the subregions are formed by local zones, with a gatekeeper being provided at least in one of the subregions for switching the connections and voice links (col. 3, line 39 to col. 4, line 22), and the allocation of one of groups of telephone number's and parts of the telephone numbers to the subregions for the voice links through one of the subregions and for Voice over Internet links (col. 1, lines 13-20), which can be easily adopted by one of ordinary skill in the art to implement into the method and system in EBATA et al. to provide a compatible system conforming to the latest technology standard and requirement to further improve the system with compatibility.

5. Applicant's arguments filed March 24, 2005 have been fully considered but they are not persuasive.

In the remark, regarding the amended claim 1 and claim 3 of the instant application, the applicant argued that EBATA reference requiring the use of an organization ID to identify a subregion of a network, and the invention according to claim 1 of the instant application uses an item of address or dialing information to identify a subregion. The examiner disagrees since in EBATA, it does provide the IP addresses associating with the organization ID (see col. 4, lines 50-61 and figure 4) which clearly meets the claimed limitation of "providing each of the subregions with an associated item subregion information being represented by an item of address information or dialing information".

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Regarding claim 2 of the instant application, the applicant argued that Ebata reference does not disclose that a quality of service of the connections in at least one of the subregions is assured for at least one other of the subregions since claim 2 allows to use only one quality of service assuring unit for several subregions. The examiner disagrees since the feature of “using only one quality of service assuring unit for several subregions” was not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claim 4, the applicant merely argued that Ebata reference does not provide any information that would lead a person of average skill in the art to subdivide the subregions into further subranges, which is well known in the art and clearly within the level of ordinary skill artisan to implement in any system since to subdivide the subregions into further subranges is merely a further step of dividing a region into subregions, which would have been obvious to one of ordinary skill in the art as design choice.

Regarding claims 5-17, since no argument has been presented by the applicant, and therefore no further explanation is deemed necessary.

In view of the above reasoning, the examiner believes that all rejections under 102 (e) and 103 (a) should be sustained.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH



Alpus H. Hsu
Primary Examiner
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